

Federal Defenders
OF NEW YORK, INC.

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Executive Director

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December 3, 2024

Via CM/ECF

The Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Joanna Smith-Griffin*
24 Cr. 648 (JGK)

Dear Judge Koeltl,

We write to respectfully request a one-week adjournment of the initial conference in the above-captioned case, which is currently scheduled for 11:30 a.m. on December 10, 2024, and to also request that the Court conduct a teleconference in lieu of an in-person appearance. The Government does not object to this application.

On November 19, 2024, Ms. Smith-Griffin was arrested in the Eastern District of North Carolina, where she resides with her husband and children. She appeared in federal court later that same day and presented on a Rule 5(c)(3) warrant. Ms. Smith-Griffin was released under a \$1,000,000 personal recognizance bond to be backed by three co-signers, and she was directed to appear in the Southern District of New York on December 3, 2024, for an arraignment on an indictment charging her with wire fraud, securities fraud, and aggravated identity theft.

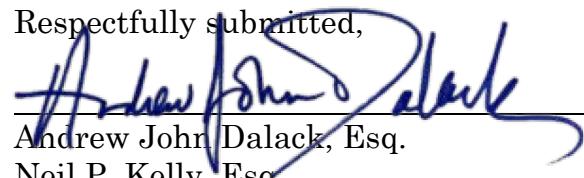
Today, Ms. Smith-Griffin appeared before the Honorable Henry J. Ricardo and pleaded not guilty to the indictment. With the Government's consent, her personal recognizance bond was also reduced to \$350,000, to be backed by two co-signers. Ms. Smith-Griffin's husband accompanied her to court, and the two of them are returning to the Eastern District of North Carolina this evening. During today's appearance, the Government also requested that time under the Speedy Trial Act be excluded through December 10, 2024, which Judge Ricardo granted without objection from the defense.

Due to a conflict in my schedule, and to afford the parties additional time to discuss a potential pre-trial disposition and preliminary matters relating to discovery, I respectfully submit that a one-week adjournment of the initial conference is warranted. In addition, given the resources necessary to facilitate Ms.

Smith-Griffin's travel to the SDNY from EDNC, I further submit that allowing her to appear for the initial conference virtually is warranted. I note that Federal Rules of Criminal Procedure 5(f) and 10(c) contemplate remote appearances in similar contexts, and that under Rule 43(b)(3), a defendant's appearance for a proceeding concerning a question of law is not required.

Lastly, should the Court grant this application, the parties jointly request that the Court exclude the additional period of delay from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(A).

Respectfully submitted,


Andrew John Dalack, Esq.

Neil P. Kelly, Esq.

Assistant Federal Defenders

Counsel for Joanna Smith-Griffin

Cc: AUSA Matthew Shahabian